

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2019-018

*A RESOLUTION APPROVING AN AMENDMENT TO THE CONDITIONAL USE PERMIT
FOR A COMMERCIAL KENNEL FOR THE PROPERTYS AFFILIATED WITH AMINAL INN.
(8633 34th STREET N. PID. 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006,
16.029.21.42.0005, and 16.029.21.42.0001)*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Joan Tauer of Animal Inn. Pet Resort & Spa Inc., 8633 34th, Lake Elmo, MN 55042, (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for an amendment to the existing Conditional Use Permit to further clarify the allowed uses through the updated conditional use permit and apply it towards the properties listed as 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006, 16.029.21.42.0005, and 16.029.21.42.0001 (the "Property"); and

WHERE AS, The listed properties have been rezoned to the same classification and will be consolidated; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on February 25, 2019, recommended approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report dated March 19, 2019 to the City Council; and

WHEREAS, the City Council considered said matter at its March 19, 2019 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.

1. *The use has been in existence on this site since the early 1970's. Staff does not believe that this amendment will directly cause a negative impact to the surrounding neighborhood.*
1. *The property is guided for Limited Commercial which is how it will be rezoned. The Comprehensive plan categorizes the properties as Limited Business, which constitutes commercial users that are less intense and not needing sewer or water.*
2. *The use is compatible with the existing neighborhood and has been in existence since the early 1970's. There also is a neighboring property that is operating as an obedience training facility.*
3. *The applicant is not proposing to develop or redevelop any part of the property at this time.*
4. *There is a pond on site which causes part of the property to fall within a flood zone. However, the land use table (150.254) lists kennels in the General Business District (LC) as an allowed use with a Conditional Use Permit.*
5. *The applicant is not proposing any changes on site. However, going forward the zoning code and design standards would apply where applicable.*



6. *It is not anticipated for the use to become a nuisance.*
7. *The use will be adequately served by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools.*
8. *The site has access to an existing 16-inch Trunk Watermain but has not connected.*
9. *The use will not create additional requirements at public cost nor will it be detrimental to the economic welfare of the community.*
10. *The use will not excessively produce traffic, noise, smoke, fumes, glare or odors.*
11. *Vehicular approaches to the property will not create and have not created traffic congestion or interfere with traffic.*
12. *The amendment and use will not result in the destruction, loss or damage of the natural environment.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for an Amendment to the Conditional Use Permit, clarifying the allowed uses and apply the conditional use permit to the properties identified as 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006, 16.029.21.42.0005, and 16.029.21.42.0001 is granted, subject to the following conditions:

- 1) *The total number of dogs boarded at any point in time shall not exceed 150.*
- 2) *The total number of cats boarded at any point in time shall not exceed 10.*
- 3) *All past permits affiliated with the properties shall now be null and void.*
- 4) *The properties shall be re-zoned to Limited Commercial and consolidated into one property for tax identification purposes.*
- 5) *The property shall be readdressed to 8611 34th St., City of Lake Elmo.*
- 6) *The Main buildings defined as Animal Inn, Animal Hospital, and Kennel may be used for boarding. The two storage buildings labeled as shed and storage shall not be used for boarding.*
- 7) *No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas.*
- 8) *All existing fencing shall remain in place. Any desire to expand or erect new fencing shall constitute the need for a CUP amendment (site plan review). General repair and replacement of fencing does not need an amendment.*
- 9) *There shall not be more than 3 principle buildings and 2 accessory buildings on the property.*
 - a. *Principle buildings are labeled as Animal Inn, Animal Hospital, and Kennel.*
 - b. *Accessory buildings are labeled as shed and storage.*
- 10) *The caretaker quarters located in the main building, identified as the Animal Inn building on the Survey, can remain. Expansions of the dwelling space will require an amendment to the CUP, other zoning or building codes may also apply.*
- 11) *Uses are stated and defined:*
 - a. *Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)*
 - b. *Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.*
 - c. *Pet Cemetery – Shall be maintained and operated as cemetery for deceased pets.*
 - d. *Obedience training - Standard training and socializing of dogs.*
 - e. *Storage – Storage for items or products associated with the Animal Inn business.*

Passed and duly adopted this 19th day of March, 2019 by the City Council of the City of Lake Elmo, Minnesota.



Michael Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk